

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2008-031021-001 DT

02/26/2010

HON. WALLACE R. HOGGATT

CLERK OF THE COURT  
K. Schermerhorn  
Deputy

STATE OF ARIZONA

JUAN M MARTINEZ

v.

JODI ANN ARIAS (001)

KIRK NURMI

BOB JAMES - CRIMINAL COURT  
ADMINISTRATOR  
JUDGE HOGGATT  
VICTIM SERVICES DIV-CA-CCC

RULING

Both parties have filed pre-hearing statements indicating they will call no witnesses. Defendant has also included in her pre-hearing statement a request for a management conference. In view of the resolution set forth herein, there is no need for a management conference, and the request for the same is DENIED.

Defendant filed a "Motion to Dismiss Allegation of Death Penalty; Conflict of Interest," which contains within it, as an alternative to defendant's request to dismiss the allegation of death penalty, a request that the Maricopa County Attorney's Office be disqualified from the case. This Court has been assigned by the Special Master only to deal with motions to disqualify

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the Maricopa Attorney's Office. That portion of defendant's present motion which asks for the dismissal of the death penalty allegation is not before this Court and cannot now be addressed.

The Court has considered defendant's motion insofar as it seeks a disqualification of the Maricopa County Attorney's Office, as well as the State's Response. No reply is in the file.

Defendant's request for an evidentiary hearing with oral argument is DENIED, and the case is taken Under Advisement this date.

This Court has dealt with substantially similar motions, also submitted without an evidentiary hearing, by its Decision and Order of February 22, 2010, in cases numbers CR2004-007442-001; CR2009-007679-003; CR2009-163230-001; CR2009-163230-003; CR2009-007438-001; CR2009-130634-002; CR2005-034429-004; CR2009-008059-001; CR2009-030516-001; CR2009-169126-001; CR2009-124835-001; CR2009-171658-001; CR2009-008075-001; CR2009-123513-001; CR2009-106172-001; CR2009-115211-001; CR2009-168065-001; CR2005-030514-001; CR2009-173800-001; CR2007-106833-001; CR2009-153609-001; CR2009-122158-001; CR2009-121112-001; CR2005-034429-001; CR2003-022049-001; CR2009-176339-001; and CR2009-142340-001.

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As was true in the cases decided February 22, 2010, in the present case there is no real connection between the continuing turmoil in Maricopa County and the prosecution of this defendant.

Therefore, for the reasons set forth in this Court's Order of February 22, 2010, which is incorporated herein by this reference, defendant's motion to disqualify is DENIED. This matter is referred back to the regularly assigned trial judge for appropriate proceedings.